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ABSTRACT

Title IX of the Education Amendments of 1972 protects people from discrimination based on sex in education programs or activities that receive Federal financial assistance. This brochure outlines the responsibilities of education programs and activities covered by Title IX, the responsibilities of the Office for Civil Rights (OCR) in enforcing Title IX, and the procedures for filing a discrimination complaint with OCR. Contact information for regional Civil Rights Offices, where to request additional information or file a complaint, is provided. (LMI)

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TITLE IX AND SEX DISCRIMINATION

TITLE IX OF THE EDUCATION AMENDMENTS OF 1972

PROHIBITS DISCRIMINATION BASED ON SEX

IN EDUCATION PROGRAMS OR ACTIVITIES WHICH RECEIVE FEDERAL FINANCIAL ASSISTANCE

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TITLE IX AND SEX DISCRIMINATION

Title IX

Title IX of the Education Amendments of 1972 protects people from discrimination based on sex in education programs or activities which receive Federal financial assistance. Title IX states that:

> No person in the United States shall, on the basis of sex, be excluded from participation in, be denied the benefits of, or be subjected to discrimination under any program or activity receiving Federal financial assistance . . . .

The United States Department of Education (ED) maintains an Office for Civil Rights, with 10 regional offices and a headquarters office in Washington, D.C., to enforce Title IX.

Education Programs and Activities Covered by Title IX

Agencies and institutions which receive ED funds that are covered by Title IX include: 50 state education agencies, their subrecipients, and vocational rehabilitation agencies; the education and vocational rehabilitation agencies of the District of Columbia and of the territories and possessions of the United States; approximately 16,000 local education systems; 3,200 colleges and universities; 10,000 proprietary institutions; and other institutions, such as libraries and museums, that receive ED funds.

Programs and activities which receive ED funds must operate in a nondiscriminatory manner. These programs and activities may include, but are not limited to: admissions, recruitment, financial aid, academic programs, student treatment and services, counseling and guidance, discipline,

classroom assignment, grading, vocational education, recreation, physical education, athletics, housing and employment. Also, a recipient may not retaliate against any person because he or she opposed an unlawful educational practice or policy, or made charges, testified or participated in any complaint action under Title IX. For a recipient to retaliate in any way is considered a violation of Title IX. The ED Title IX regulations (Volume 34, *Code of Federal Regulations*, Part 106) provide a detailed discussion of discrimination prohibited by Title IX.

The Office for Civil Rights Enforces Title IX

The Office for Civil Rights (OCR) in ED is responsible for enforcing Title IX. OCR's responsibility to ensure that institutions which receive ED funds comply with Title IX is carried out through compliance enforcement. The principal enforcement activity is the investigation and resolution of complaints filed by people alleging sex discrimination. Also, through a compliance review program of selected recipients, OCR is able to identify and remedy sex discrimination which may not be addressed through complaint investigations. Compliance reviews differ from complaint investigations in that OCR has discretion in selecting the institutions for review to assess their compliance with Title IX.

Given the large number of institutions under its jurisdiction, OCR is unable to investigate and review the policies and practices of all institutions receiving ED financial assistance. Therefore, through a program of technical assistance, OCR provides guidance and support to recipient institutions to assist them in voluntarily complying with the law. OCR also informs beneficiaries, such as students

and applicants for admission to academic programs, of their rights under Title IX.

OCR has investigated and worked with recipients to resolve many kinds of civil rights problems, including the following:

- the provision of less than a fair share of funds for athletic scholarships to females.

- inequitable pay for female teachers holding similar teaching positions to those held by male counterparts.

- discrimination against female students on the basis of pregnancy.

How to File a Discrimination Complaint with OCR

Anyone who believes there has been an act of discrimination on the basis of sex, against any person or group, in a program or activity which receives ED financial assistance, may file a complaint with OCR under Title IX. The person or organization filing the complaint need not be a victim of the alleged discrimination but may complain on behalf of another person or group. A complaint should be sent to the OCR regional office that serves the state in which the alleged discrimination occurred (See list of regional offices, beginning on page 6.). A complaint must be filed within 180 days of the date of the alleged discrimination, unless the time for filing is extended for good cause by the Regional Civil Rights Director. If you have also filed a complaint under an institutional grievance process, see the time limit discussed on page 5.

Complaint letters should explain who was discriminated against; in what way; by whom or by what institution or agency; when the discrimination took place; who was harmed; who can be contacted for further information; the name, address and telephone number of the complainant(s) and the alleged offending institution or agency; and as much background information as possible about the alleged discriminatory act(s). OCR regional offices may be contacted for assistance in preparing complaints. OCR keeps the identity of complainants confidential except to the extent necessary to carry out the purposes of the civil rights laws, or unless disclosure is required under the Freedom of Information Act, the Privacy Act or otherwise required by law.

If an investigation indicates there has been a violation of Title IX, OCR attempts to obtain voluntary compliance and negotiate remedies. Only when it cannot obtain voluntary compliance does OCR initiate enforcement action. Enforcement usually consists of referring a case to the Department of Justice for court action, or initiating proceedings, before an administrative law judge, to terminate Federal funding to the recipient's program or activity in which the prohibited discrimination occurred. Terminations are made only after the recipient has had an opportunity for a hearing before an administrative law judge, and after all other appeals have been exhausted.

Prior to filing a complaint with OCR against an institution, a potential complainant may want to find out about the institution's grievance process and use that process to have the complaint resolved. A complainant is not required by law to use the institutional

grievance procedure before filing a complaint with OCR. If a complainant uses an institutional grievance process and also chooses to file the complaint with OCR, the complaint must be filed with OCR within 60 days after the last act of the institutional grievance process.

Where to Request Additional Information or File a Complaint

The addresses and telephone numbers of the OCR regional offices are listed below. Each regional office is responsible for enforcing Title IX in the states and territories designated for that region. The states and territories for each regional office are indicated.

If you wish additional information about Title IX, or a copy of the regulations which detail the requirements of Title IX, write or phone the OCR regional office which serves your state or territory.

If you wish to file a complaint alleging sex discrimination by a recipient institution in your state or territory, write to the appropriate OCR regional office, and follow the instructions stated in the preceding section: How to File a Discrimination Complaint with OCR.

REGIONAL CIVIL RIGHTS OFFICES

Region I

Connecticut, Maine, Massachusetts, New Hampshire, Rhode Island, Vermont

Office for Civil Rights, Region I
U.S. Department of Education
J.W. McCormack Post Office and
Courthouse,
Room 222, 01-0061
Boston, MA 02109-4557
(617) 223-9662; TDD (617) 223-9695

Region II

New Jersey, New York, Puerto Rico, Virgin Islands

Office for Civil Rights, Region II
U.S. Department of Education
26 Federal Plaza
33rd Floor, Room 33-130, 02-1010
New York, NY 10278-0082
(212) 264-4633; TDD (212) 264-9464

Region III

Delaware, District of Columbia, Maryland, Pennsylvania, Virginia, West Virginia

Office of Civil Rights, Region III
U.S. Department of Education
3535 Market Street, Room 6300, 03-2010
Philadelphia, PA 19104-3326
(215) 596-6772; TDD (215) 596-6794

Region IV

Alabama, Florida, Georgia, North Carolina, South Carolina, Tennessee

Office for Civil Rights, Region IV
U.S. Department of Education
Post Office Box 2048, 04-3010
Atlanta, GA 30301-2048
(404) 331-2954; TDD (404) 331-7816

Region V

Illinois, Indiana, Michigan, Minnesota, Ohio, Wisconsin

Office for Civil Rights, Region V
U.S. Department of Education
401 South State Street, Room 700C, 05-4010
Chicago, IL 60605-1202
(312) 886-3456; TDD (312) 353-2541

Region VI

Arkansas, Louisiana, Mississippi, Oklahoma, Texas

Office for Civil Rights, Region VI
U.S. Department of Education
1200 Main Tower Building,
Suite 2260, 06-5010
Dallas, TX 75202-9998
(214) 767-3959,TDD (214) 767-3639

Region VII

Iowa, Kansas, Kentucky, Missouri, Nebraska

Office for Civil Rights, Region VII
U.S. Department of Education
10220 North Executive Hill Boulevard,
8th Floor
Kansas City, MO 64153-1367
(816) 891-8026; TDD (816) 374-6461

Region VIII

Arizona, Colorado, Montana, New Mexico, North Dakota, South Dakota, Utah, Wyoming

Office for Civil Rights, Region VIII
U.S. Department of Education
Federal Building, Suite 310, 08-7010
1244 Speer Boulevard
Denver, CO 80204-3582
(303) 844-5695; TDD (303) 844-3417

Region IX

California

Office for Civil Rights, Region IX
U.S. Department of Education
Old Federal Building
50 United Nations Plaza,
Room 239, 09-8010
San Francisco, CA 94102-4102
(415) 556-7000; TDD (415) 556-6806

Region X

Alaska, Hawaii, Idaho, Nevada, Oregon, Washington, American Samoa, Guam, Trust Territory of the Pacific Islands

Office for Civil Rights, Region X
U.S. Department of Education
915 Second Avenue, Room 3310, 10-9010
Seattle, Washington 98174-1099
(206) 553-6811; TDD (206) 553-4542

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